

SN. 10/090,303

ATTORNEY DOCKET NO. YAMA:039

REMARKS

Claims 1-5 remain pending in this application for which applicant seeks reconsideration.

Amendment

The specification has been amended to remove the priority document information. Claims 1-5 have been amended to improve their form and/or to remove the informalities identified by the examiner. Claim 5 has been formatted as a computer program using conventional format "instructions for" rather than as "steps of." No new matter has been introduced.

Art Rejection

Claims 1-5 were rejected under 35 U.S.C. § 102(b)/(e) as anticipated by any one of Flannery (USP 6,545,209), Yamaura (USP 5,918,303), and Looney (USP 6,232,539). Applicant traverses this rejection because none of the applied references disclose at least the claimed editing unit or instructions for editing the second data set.

The present invention relates to a musical performance data search system that uses a database to store first data sets, e.g., performance data for automatic accompaniment, and a second data set related to one of the first data sets. The second data set, which includes information for searching the first data set, is editable. The present system can present a plurality of record sets selected from the data base in response to a designated record (e.g., style number, music title, music genre, rhythm and tempo, key word, etc.) selected from the record set, enabling the user to read out performance information, such as style information. The data of the record (second data set) is made to be editable so that the user can add and/or change the record for enhancing the future search. In this regard, independent claim 1 specifies an editing unit for editing the second data set. Claim 5 similarly calls for an instruction for editing the second data set.

None of the applied references disclose at least the editing feature of claims 1 and 5 identified above. Moreover, Flannery and Looney do not even disclose a storage unit for storing

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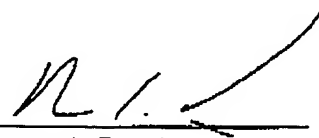
performance data for automatic accompaniment. To reject a claim under § 102, it is incumbent on the examiner to identify all of the elements claimed. Here, the examiner has not identified how the applied references anticipate the claims. Applicant submits that claims 1-5 patentably distinguish over these references. If the examiner is to maintain the same rejection, applicant requests the examiner to point out exactly how the applied references anticipate the pending claims.

Conclusion

Applicant submits that claims 1-5 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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